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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,233

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Christopher M. Paterson

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7590

10/30/2006

THE OLLILA LAW GROUP LLC
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EXAMINER

GRAHAM, GARY K

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/646,233	Applicant(s) PATERSON ET AL.	
	Examiner Gary K. Graham	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 7,9-14,21 and 23-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,15-20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2003/08/22 & 2004/12/20</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of claims 1-8 and 15-22 in the reply filed on 17 August 2006 is acknowledged. It is assumed that Applicant is electing figure 5 as the tufts therein are angled with respect to the radius direction and relate to claims 8 and 22 while do not relate to claims 9 and 23. However, claims 7 and 21 do not appear to read on the elected figure as they call for radially oriented tufts. Accordingly, these claims are also withdrawn from consideration. Clarification is requested. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 15-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Krasznai et al (US patent 4,912,805).

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The patent to Krasznai discloses the invention, a vacuum cleaner brushroll, as is claimed. Krasznai discloses (see figs. 3,4) a brushroll body (65) with at least one row (76) of bristle tufts. The row of tufts is comprised of both short, stiff bristle tufts (70b) and long, flexible bristle tufts (70a). The short tufts have fewer bristles than the long tufts (col.2, lines 1+). The tufts have different diameters (col. 5, lines 40+).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krasznai et al (US patent 4,912,805) in view of Taylor (US patent 2,459,007).

The patent to Krasznai discloses all of the above recited subject matter with the exception of the different length tufts being made of different material.

The patent to Taylor discloses a vacuum brush roll (fig.2) with both long, flexible tufts (19) and short, stiff tufts (18). Taylor discloses that differences in tuft flexibility can be achieved with different diameter bristles and/or different materials (see col. 2, lines 53+).

It would have been obvious to one of skill in the art to use different material to achieve the differences in flexibility for the bristles of Krasznai instead of or in addition to the different diameter bristles, as clearly suggested by Taylor, to enable increased control of the flexibility of the bristles. Such would also enable same size tufts to be used for both tufts thus providing a uniform row of tufts.

Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krasznai et al (US patent 4,912,805) in view of Newman (US patent 3,188,673).

The patent to Krasznai discloses all of the above recited subject matter with the exception of different length tufts being of different colors.

The patent to Newman discloses a brush wherein different length tufts are of different colors.

It would have been obvious to one of skill in the art to make the different length tufts of different colors, as clearly suggested by Newman, to enable increased awareness of the different length tufts. Further, merely coloring different components of a structure different colors appears entirely obvious as a purely ascetic change.

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Claims 8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krasznai et al (US patent 4,912,805) in view of Brundula (US patent 6,530,106).

The patent to Krasznai discloses all of the above recited subject matter with the exception of the row of bristles angled with respect to a radius direction of the brushroll body.

The patent to Brundula discloses a vacuum brushroll wherein the tufts of bristles can extend radially from the brushroll (fig.2) or angled with respect to a radius direction of the brushroll (fig. 8A).

It would have been obvious to one of skill in the art to angle the bristle tufts of Krasznai with respect to a radius direction, as clearly suggested by Brundula, to create a slapping action of the tufts against the surface to be cleaned, thereby enhance cleaning function of the brushroll.

Conclusion

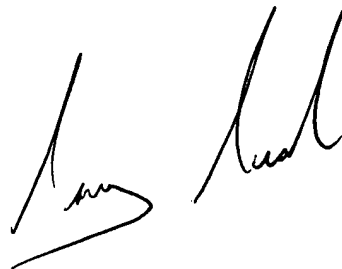
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'G. K. Graham', written in a cursive style.

Gary K Graham
Primary Examiner
Art Unit 1744

GKG
26 October 2006